

**PUBLIC SAFETY DEPARTMENT[661]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 100.18, the State Fire Marshal hereby gives Notice of Intended Action to amend Chapter 210, "Smoke Detectors," Iowa Administrative Code.

Iowa Code section 100.18 requires the installation of smoke detectors in residences and delegates to the State Fire Marshal authority to regulate the devices used. Last year, the State Fire Marshal adopted a requirement that smoke detectors installed on or after October 1, 2008, would be required to be dual sensor smoke detectors, using both ionization and photoelectric sensors. The effective date of this requirement has twice been delayed and is now set at October 1, 2009. Further delays in the ready availability of the dual sensor smoke detectors are evident, and this rule making is being undertaken to delay the effective date again, until April 1, 2010. In addition, the amendments proposed herein change the reference in renumbered subrule 210.3(2) from the 2005 edition of the National Electrical Code to the 2008 edition, which is consistent with a previous rule making regarding requirements for electrical installations in Iowa. These provisions are also being adopted through an emergency rule making, published herein as **ARC 8151B**, which became effective September 1, 2009. In addition, the amendments proposed herein clarify that the requirement for use of dual sensor smoke detectors applies only to residential occupancies and not to those in which a commercial grade smoke detection system has been installed, modify the requirements for locations of smoke detectors to be consistent with the International Fire Code, and renumber various rules within the chapter.

Any interested party may submit comments on the proposed amendments to the Agency Rules Administrator, Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319, by mail; by telephone to (515)725-6185; by fax to (515)725-6195; or by E-mail to [admrule@dps.state.ia.us](mailto:admrule@dps.state.ia.us). Comments must be received by 4:30 p.m. on October 13, 2009.

A public hearing on these proposed amendments will be held at 8:30 a.m. on October 13, 2009, in the First Floor Conference Room (Room 125), State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. The hearing room is fully accessible. Persons wishing to speak at the hearing should contact the Agency Rules Administrator by E-mail at [admrule@dps.state.ia.us](mailto:admrule@dps.state.ia.us) or by telephone at (515)725-6185 at least one day prior to the hearing.

The amendments proposed herein are subject to the provisions for waivers of rules of the State Fire Marshal found in rule 661—5.15(100).

These amendments are intended to implement Iowa Code section 100.18.

The following amendments are proposed.

ITEM 1. Amend rule 661—210.1(100) as follows:

**661—210.1(100) Definitions.** The following definitions apply to rules 661—210.1(100) through ~~661—210.4(100)~~ 661—210.5(100):

*"Approved"* means that the equipment has been approved for a specific use by an independent testing laboratory or organization of national reputation.

*"Dual sensor smoke detector"* means a smoke detector which contains both an ionization sensor and a photoelectric sensor and which is designed to detect and trigger an alarm in response to smoke detected through either sensing device.

ITEM 2. Renumber rules **661—210.2(100)** to **661—210.4(100)** as **661—210.3(100)** to **661—210.5(100)**.

ITEM 3. Adopt the following **new** rule 661—210.2(100):

**661—210.2(100) Scope.** The provisions of this chapter apply to single-family and two-family residences and to townhouses and to all other residential occupancies unless otherwise provided herein or by another provision of law. The provisions of this chapter do not apply to nonresidential occupancies.

ITEM 4. Amend renumbered rule 661—210.3(100) as follows:

**661—210.3(100) General requirements.**

**210.3(1)** Approved single station smoke detectors shall be acceptable in all areas covered by this chapter, unless other fire warning equipment or materials are required by any provision of 661—Chapter 201, 202, or 205 or if a commercial grade smoke detection system has been installed. Any single station smoke detector installed on or after ~~October 1, 2009~~ April 1, 2010, in compliance with this subrule, including a replacement of an existing detector, shall be a dual sensor smoke detector. If sufficient dual sensor smoke detectors have been installed to comply with the requirements of this chapter, additional smoke detectors which may be other than dual sensor detectors may be installed.

**210.3(2)** Any installation of wiring and equipment shall comply with NFPA 70, National Electrical Code, ~~2005~~ 2008 edition, and requirements established by the manufacturer of the equipment serviced by the wiring.

**210.3(3)** All devices, combinations of devices, and equipment to be installed in conformity with this chapter shall be approved and used for the purposes for which they are intended. Any smoke detector installed on or after ~~October 1, 2009~~ April 1, 2010, in compliance with this chapter, including a replacement of an existing detector, shall be a dual sensor smoke detector. If sufficient dual sensor smoke detectors have been installed to comply with the requirements of this chapter, additional smoke detectors which may be other than dual sensor detectors may be installed.

**210.3(4)** and **210.3(5)** No change.

**210.3(6)** Power source.

*a.* In new buildings and additions constructed after July 1, 1991, required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without a disconnecting switch other than that required for overcurrent protection. Smoke detectors may be solely battery operated when installed in existing buildings, or in buildings without commercial power, or in buildings which undergo alterations, repairs or additions subject to subrule ~~210.2(2)~~ 210.3(2).

*b.* No change.

**210.3(7)** No change.

**210.3(8)** Equipment shall be installed, ~~located and spaced~~ in accordance with the manufacturer's recommendations.

**210.3(9)** and **210.3(10)** No change.

**210.3(11)** ~~Location within dwelling units.~~ Smoke detectors shall be located as follows:

*a.* ~~In dwelling units, detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to each separate sleeping area. When the dwelling unit has more than one story and in dwellings with basements, a detector shall be installed on each story and in the basement. In dwelling units where a story or basement is split into two or more levels, the smoke detector shall be installed on the upper level, except that when the lower level contains a sleeping area, a detector shall be installed on each level. When sleeping rooms are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. In dwelling units where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches or more, smoke detectors shall be installed in the hallway and in the adjacent room. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.~~

~~b. — Location in efficiency dwelling units and hotels. In efficiency dwelling units, in hotel suites and in hotel sleeping rooms, detectors shall be located on the ceiling or wall of the main room or hotel sleeping room. When sleeping rooms within an efficiency dwelling unit or hotel suite are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. When actuated, the detector shall sound an alarm audible within the sleeping area of the dwelling unit, hotel suite or sleeping room in which it is located.~~

a. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

b. In each room used for sleeping purposes.

c. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

ITEM 5. Amend renumbered rule 661—210.4(100) as follows:

**661—210.4(100) Smoke detectors—notice and certification of installation.**

**210.4(1)** No change.

**210.4(2)** *Certification—single-family dwelling units.* A person who files for a homestead tax credit pursuant to Iowa Code chapter 425 shall certify that the single-family dwelling unit for which the credit is filed has a smoke detector(s) installed in accordance with subrule ~~210.2(6)~~ 210.3(6) and paragraph ~~210.2(11) “a,”~~ 210.3(11) “a,” or that such smoke detector(s) will be installed within 30 days of the date of filing for credit.

**210.4(3)** No change.

ITEM 6. Amend renumbered rule 661—210.5(100) as follows:

**661—210.5(100) Smoke detectors—new and existing construction.**

**210.5(1)** *New construction.* All multiple-unit residential buildings and single-family dwellings which are constructed after July 1, 1991, shall include the installation of smoke detectors meeting the requirements of rule ~~661—210.1(100) and rule 661—210.2(100)~~ 661—210.3(100).

**210.5(2)** *Existing construction.* All existing single-family units and multiple-unit residential buildings shall be equipped with smoke detectors as required in paragraph ~~210.2(11) “a,”~~ 210.3(11) “a.”